

Application No. 10/580,820
Amendment dated November 29, 2010
Reply to Office Action of July 30, 2010

REMARKS

Reconsideration And Allowance Are Respectfully Requested.

Claims 1-11 are currently pending. Claims 1 and 5 have been amended. Claims 4 and 8 have been cancelled. New claim 11 has been added. No new matter has been added. The present amendment is believed to neither raise new issues nor require undue consideration. As such, Applicant respectfully requests that the amendment be entered and considered.

In response to the outstanding final Office Action, Applicant has addressed the refusal under 35 U.S.C. §102(b) in view of U.S. Patent No. 3,971,387 (Mantell) along with the documents uncovered by the Japanese Patent Office included in the accompanying Information Disclosure Statement. Applicant has cancelled claim 8 and incorporated the removability feature for the non-compressible passive pressure points which are selectively removable and attachable to an under surface of the mask body to coincide with acupuncture points of a person's face into independent claim 1. Each of the plurality of non-compressible passive pressure points are spaced between, below or between and below the first and second eye apertures and each having a hemispherical or curved outer surface to contact the person's face. Such language is fully supported by the specification and was initially in claim 4 which has now been cancelled. Applicant's plurality of non-compressible passage pressure points are individually selectively attachable or removable to the underside of the mask body. The

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pressure points are selectively placed to coincide with acupressure points of an individual's face. Mantell discloses an electro-therapeutic face mask; the mask includes contact buttons 24 which are attachable to the face mask as illustrated in Figures 7 and 8 of the cited document. It is clear from these figures and the accompanying portion of the specification at column 2, lines 25-33 that each button is provided with a rivet forming stem 25 and that the contact buttons are secured to be braided flexible conductive strips 26 by "spreading the extremities of the stems 25". Such attachment is clearly a permanent connection. Additionally, it is clear from the cross section illustrated in Figure 8 and the accompanying portion of the specification at column 1, lines 56-57 that the laminations 2 and 3 are stitched together about the rear of the contact button. This prevents access to the rear of the button and therefore the contact buttons are not removable from the mask as they have two permanent forms of connection. Further, detachment of the buttons would render the device inoperable. The permanent connection with the mask therefore permanently fixes the position of the buttons in that relocation is neither contemplated nor required.

This is distinguished from the selectively removable and attachable non-compressible pressure points claimed in the present application. The selectively relocatable nature of the pressure points of the present invention allows a user to reposition the pressure points to suit their particular facial structure or treat different ailments. Mantell does not have relocatable

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buttons and therefore cannot offer the same functionality or advantages of the claimed invention.

Additionally, Applicant has amended claim 5 to clarify that there are groups of open apertures placed at specific locations on the therapeutic facial mask to correspond with the acupuncture points of an individual's face. Such concept is not taught nor suggested by the art of record or the documents uncovered by the Japanese Patent Office. In the Office Action, it is contended that Mantell includes apertures into which the stems are inserted. In fact, such openings are covered by the stems themselves and therefore there exists no openings to allow for the passage of air to coincide with specific treatments contemplated by the mask of the current invention. Additionally, these alleged openings are covered or stitched over prior to completion of the device in the Mantell document.

Lastly, Applicant has submitted an additional claim 11 that is fully supported by the specification and drawings.

The undersigned encourages the Examiner to approve the claims as presently presented.

If it is felt that an interview would expedite prosecution of this application, please do not hesitate to contact Applicant's representative at the below number.

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It is believed that this case is now in condition for allowance and reconsideration thereof
and early issuance is respectfully requested.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Stewart L. Gitler". The signature is fluid and cursive, with the first name "Stewart" being more prominent than the last name "Gitler".

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